

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2007-293 - T

IN RE:

Petition of the Office of Regulatory Staff for Commission to Order a Rule to Show Cause as to Why The Certificates of Public Convenience and Necessity for Certain Motor Carriers Should Not Be Revoked For Failure to File <u>Annual Reports</u>)	PETITION OF THE OFFICE OF REGULATORY STAFF FOR A RULE TO SHOW CAUSE AS TO WHY CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY SHOULD NOT BE REVOKED
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The Office of Regulatory Staff, by filing this petition, would respectfully show and request of the Commission:

1. That the Public Service Commission of South Carolina (“the Commission”) is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina; that the Commission is responsible for the regulation of motor vehicle carriers operating for compensation as set forth in S.C. Code Ann. §58-23-10 et seq. (1976 and Supp. 2006); that the Office of Regulatory Staff (“ORS”) is charged with the duty to protect the public interest pursuant to S.C. Code Ann. §58-4-10, et seq. (Supp. 2006).

2. That the persons or companies listed in Exhibit A are currently operating as “motor vehicle carriers” as defined in S.C. Code Ann. §58-23-10(4) in that they own, control, operate or manage motor propelled vehicles, not usually operated on or over rails, used in the

business of transporting persons or property for compensation over improved public highways in this state.

3. That the motor carriers listed in Exhibit A are subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. §58-23-1010 et seq. (Supp.2006); further, that these motor carriers have submitted themselves to the jurisdiction of the Commission by holding a Certificate of Public Convenience and Necessity as indicated in Exhibit A. See Exhibit A.

4. That the motor carriers listed in Exhibit A, upon receiving their Certificates of Public Convenience and Necessity, were found to be fit, willing and able to operate as a motor carrier by the Commission; that such authority found the motor carriers “familiar with all statutes and regulations, including safety regulations, governing for-hire motor carrier operations in South Carolina” and that they “agree to operate in compliance with these statutes and regulations”. 26 S.C. Code Regs. 103-133.4.a (Supp.2006).

5. That, “[E]very motor carrier operating under a Certificate of PC&N and FWA *shall* file with the Commission on or before March 31 of each year, on forms prescribed and furnished by the Commission, an annual report for the preceding calendar year ending on December 31.” 26 S.C. Code Regs. 103-231 (Supp.2006) (emphasis added).

6. That, pursuant to S.C. Code Ann. §58-4-10 et seq. (Supp.2006), beginning January 1, 2005, the Office of Regulatory Staff must represent the public interest of South Carolina before the Commission and has authority to collect such annual reports.

7. That the companies listed in Exhibit A failed to file annual reports that were due on or before March 31, 2007 for the 2006 year ending.

8. That “the Commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has

willfully violated or refused to observe orders, rules, or regulations prescribed by the Commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate, or, if, in the opinion of the Commission, the motor carrier holding a Certificate of PC&N is not furnishing adequate service or it is no longer compatible with the public interest to continue said certificate in force, or, if in the opinion of the Commission, the motor carrier holding a Certificate of FWA is no longer furnishing adequate service, or said carrier no longer meets the fit, willing, and able criteria..." 26 S.C. Code Regs. 103-240 (Supp.2006).

9. That "the Commission may, at any time, by its order, duly entered, after a hearing had upon notice to the holder of any certificate hereunder at which such holder shall have had an opportunity to be heard and at which time it shall be proved that such holder has wilfully made any misrepresentation of a material fact in obtaining his certificate or wilfully violated or refused to observe the laws of this State touching motor vehicle carriers or any of the terms of his certificate or of the Commission's proper orders, rules or regulations, suspend, revoke, alter or amend any certificate issued under the provisions of Articles 1 to 11 of this chapter." S.C. Code Ann. §58-23-320 (Supp. 2006).

WHEREFORE, the ORS staff prays that the Honorable Commission:

1. Issue an order requiring the carriers listed on Exhibit A to appear before the Commission, and show cause why an order should not be issued from this Commission revoking the Certificates of Public Convenience and Necessity previously issued to said carriers;

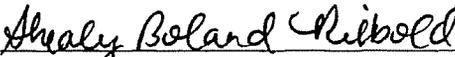
2. Provide for the opportunity by the carrier to respond to the allegations of this Petition within thirty (30) days from the date of the receipt of the Order;

3. Schedule and conduct a formal administrative hearing to address disputed issues of fact and law regarding the Certificate pursuant to 26 S.C. Code Regs. 103-240 (Supp.2006) and S.C. Code Ann. §58-23-320 (Supp. 2006);

4. Pursuant to 26 S.C. Code Regs. 103-870(C), take judicial notice of the Commission's records in that the required annual reports have not been filed for the companies listed in Exhibit A.

5. Enter a final order revoking the Certificates of Public Convenience and Necessity held by those carriers failing to file required annual reports; and

6. For other appropriate action which the Commission may deem necessary.



Shealy Boland Reibold, Esquire
Jeffrey M. Nelson, Esquire
Office of Regulatory Staff
Post Office Box 11263
Columbia, South Carolina 29211
Telephone: 803.737.0877
Fax: 803.737.0895

August 10, 2007
Columbia, South Carolina

OUT OF COMPLIANCE - RTSC DOCKET #2007- -T

DOCKET #	ORGANIZATION NAME	ADDRESS	CITY	STATE	ZIP
1	Robert Bradley, Jr. dba A. A. Taxi Cab Co.	415 Gum St.	Bishopville	SC	29010
2	A. C. Transport, Inc.	257 Yvette Road	Orangeburg	SC	29115
3	Winston Alleyne	404 Charles Street	Florence	SC	29506
4	American Medical Response, Inc.	34-C Trotter Rd.	West Columbia	SC	29169
5	Angel's Limousine Services, Inc.	PO Box 22527	Hilton Head	SC	29925
6	Arrow Van Lines, Inc.	200-A Purrysburg Rd.	Hardeeville	SC	29927
7	Roger Vestal dba Bluffton Taxi	PO Box 2011	Bluffton	SC	29910
8	Christopher Collins dba C & C Moving & Transporting Co.	2206 Cambridge Ave.	North Charleston	SC	29405
9	Willie Johnson & Andrew Adams dba Carolina Moving & Storage	104 Torwood Drive	Columbia	SC	29203
10	Nedra C. Myers dba Charleston Classics	747 Corral Dr.	Charleston	SC	29414
11	Charleston Funtime, Inc.	PO Box 2101	Goose Creek	SC	29445
12	Cheryl Hiers dba Charleston Transportation	1117-C Melvin St.	Hanahan	SC	29406
13	Cimarron Coach of Virginia, Inc. Mark Daugherty	PO Box 70	Falls Mills	VA	24613
14	dba Classic Limousine Service	910-A Meeting Street	West Columbia	SC	29169
15	Dart Trucking Company, Inc.	PO Box 60	Columbiana	OH	44408
16	Luis Felipe Denis dba Denis Transportation Co.	133 Hollingwood Drive	Columbia	SC	29223-2950
17	Donnie Moses dba D.M. Limousine Service	2740 Jamestown Road	Camden	SC	29020
18	Alton C. Eason, Sr. dba Eason Van Charter Service	2001 Cheltenham Lane	Columbia	SC	29223
19	Eastside Transportation Services, Inc.	2307 Airport Rd.	Greer	SC	29651
20	ETS Airport Express, Inc.	PO Box 12245	Greenville	SC	29612
21	Fantasy Limousine Company, Inc. Vester W. Hendren	PO Box 1728	Marion	SC	29571
22	dba Flower Town Taxi	Post Office Box 1634	Summerville	SC	29484
23	Gentlemen Movers, Inc.	111 Michael Road	Blythewood	SC	29016
24	Lila D. Green	PO Box 2772	Georgetown	SC	29442
25	Haz-Mat Transportation and Disposal, Inc. Anthony Iannazzo	P.O BOX 37392	Charlotte	NC	28237
26	dba Iannazzo Company	63 Mitchelville Road	Hilton Head	SC	29926
27	Dick Uba Ijioma Tyrone Miller dba Image Limousine & Transportation	1421 John B. White Blvd., # A-1	Spartanburg	SC	29306
28	David R. Powell dba J & P Limo Shuttle	2176 Savannah Hwy. Suite 120	Charleston	SC	29414
29		66 Cannon St.	Charleston	SC	29403

OUT OF COMPLIANCE - RTSC DOCKET #2007- -T

DOCKET #	ORGANIZATION NAME	ADDRESS	CITY	STATE	ZIP
30	John M. Steever dba JMS Taxi	2225 Andover Drive C	Surfside Beach	SC	29575
31	Cynthia Johnson	705 Church St.	Florence	SC	29506
32	Mary L. Jones	617 N. Brunson St.	Florence	SC	29501
33	Justice Moving Systems, Inc. Sandra Collins	6821 North Main Street	Columbia	SC	29203
34	dba King and Queens Choice Limousine Service	37 Briarcliff Drive	Charleston	SC	29407
35	Kohler Moving & Storage Inc. Tarry Wilson	1159 Cainhoy Road	Wando	SC	29492
36	dba Limo Service	843 Peach Festival Rd.	Gilbert	SC	29054
37	Low Country Adventures, Ltd.	PO Box 21010	Hilton Head	SC	29925
38	Robert C. Marion	53-B Amhurst Street	Charleston	SC	29403
39	William McCrae	1009 W. Darlington St.	Florence	SC	29501
40	Ernest David Mitchell, Sr. & Linda J. Mitchell	6318 Bears Bluff Rd.	Wadmalaw Island	SC	29487
41	dba Mitch Limo Service Movemart, Inc.	113 Bombay Drive	Columbia	SC	29209
42	Northern Anderson County Emergency Medical Service	PO Box 51222	Piedmont	SC	29673
43	Nu-Way Environmental, Inc. Dan L. Rapley, Sr.	1741 Calks Ferry Road	Lexington	SC	29073
44	dba Rapley & Sons Moving	17 S. Greenwood Avenue	Ware Shoals	SC	29692
45	Strong Man Movers, Inc. Teresa Williamson	3219 Hwy 9 E	Little River	SC	29566
46	dba T & J Taxi Carlos Lopez	1609 Elmwood Street	Hartsville	SC	29550
47	dba Tienda Guatemala	201 Batesburg Hwy.	Saluda	SC	29138
48	Maria Elzbieta Truszkowska Hilton Head Limousine Company	5627 Downybrook Road	Myrtle Beach	SC	29588
49	dba Yellow Cab CabRide, Inc.	PO Box 22348	Hilton Head	SC	29925
50	dba Yellow Cab of Beaufort	PO Box 22348	Hilton Head	SC	29925

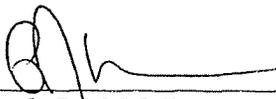
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Staff for Commission to Order a)	
Rule to Show Cause as to Why)	CERTIFICATE OF SERVICE
The Certificates of Public)	
Convenience and Necessity for)	
Certain Motor Carriers Should Not)	
Be Revoked For Failure to File)	
<u>Annual Reports</u>)	

This is to certify that I, Pamela J. McMullan, an employee with the Office of Regulatory Staff, have this date served one (1) copy of the **PETITION OF THE OFFICE OF REGULATORY STAFF FOR A RULE TO SHOW CAUSE AS TO WHY CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY SHOULD NOT BE REVOKED** in the above-referenced matter to the person(s) named in the attached list by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown:



Pamela J. McMullan

August 10, 2007
Columbia, South Carolina

Robert Bradley, Jr.
dba A. A. Taxi Cab Co.
415 Gum St.
Bishopville, SC 29010

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Winston Alleyne
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dba Iannazzo Company
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Hilton Head, SC 29926

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1421 John B. White Blvd., # A-1
Spartanburg, SC 29306

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Image Limousine & Transportation
2176 Savannah Hwy. Suite 120
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201 Batesburg Hwy.
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Myrtle Beach, SC 29588

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